

*It is Africa: Selective Prosecutions at the International Criminal  
Court (ICC)*

**Mr. Eustace Azubuike**

Research Assistant and S.J.D. Candidate, Golden Gate University  
School of Law

# IT IS AFRICA: SELECTIVE PROSECUTIONS AT THE INTERNATIONAL CRIMINAL COURT (ICC)

By Mr. Eustace C. Azubuike

## **Abstract**

When the preparatory work toward the establishment of the ICC was concluded, and subsequently in 2002 the ICC officially came into force, hopes were high both in the southern and the northern poles that impunity could no longer thrive. However, recent events at the ICC leave one to wonder whether the ICC has a global reach or if it is an instrument to hunt Africa. In a research study conducted recently by an African writer, it was reported that “sixteen cases in seven situations have so far been brought before the ICC. Available evidence indicates that all the situations for which warrants of arrests have been issued by the ICC Pre-trial Chambers, or for which prosecutions have commenced or completed, originate in Africa.” This revelation is very disturbing, as it seems to undermine the perception of the ICC as having a global reach in terms of prosecution of crimes of international concern. The trend of prosecuting only Africans before the ICC flies in the face of other comparable situations of international crimes outside Africa that have yet to engage the attention of ICC.

This paper seeks to carry out a deeper study into the cases that are before the ICC, with an emphasis on the identity, nationality or other background of the accused persons. It will also explore the cases involving Africans with the view to finding if they all meet the threshold for the exercise of the ICC’s jurisdiction. The paper will posit that an unfair focus by the ICC on one region poses many dangers to the work of the ICC, such as the damage it causes to the credibility of the ICC, the aggravation of political, social, economic, and other problems in the African region; the unnecessary international tensions resulting from a perception of the ICC as a tool of the West; and the danger of allowing criminals to escape prosecution. A suggestion will be made on how the ICC can eschew unnecessary politics that can mar the efforts of the international community at bringing perpetrators of crime to justice.